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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,397	12/04/2000	Daniel Scott Fritsch	Z2285-5-6	6523

7590 10/06/2004

St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619

EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,397

Applicant(s)

FRITSCH ET AL. *sf*

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Original claims 1-6 are pending and have been examined. The rejections are stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US Patent 6,272,474 B1) in view of Lupien et al (US Patent 5,845,266).

With reference to claims 1-4, Garcia teaches methods utilizing a network computer system connectable to a plurality of monitors comprising the steps of: displaying an image of at least one scaled graph having incremental bid levels upon a computer monitor reflecting a range of monetary values; graphically displaying an ask bid at a select incremental bid level upon the scaled graph; graphically displaying a buy bid at a select incremental bid level upon the scaled graph; and reconfiguring the scaled graph with the displayed ask bid and buy bid in response to new market information (See Garcia abstract, Column 5 line 21- Column 6 line 15, Claims 1-3).

Garcia fails to explicitly teach the steps of graphically displaying a spread having a plurality of the incremental bid levels between an ask bid and a buy bid and

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reconfiguring the scaled graph with the spread in response to the spread decreasing to a select quantity justifying a reallocation of the incremental bid levels.

Lupien teaches the steps of graphically displaying a spread having a plurality of the incremental bid levels between an ask bid and a buy bid and reconfiguring the scaled graph with the spread in response to the spread decreasing to a select quantity justifying a reallocation of the incremental bid levels (See Lupien abstract, Column 11 lines 21-61, claims 3-5) and wherein the reconfiguration of the incremental bid levels is determined by a mathematical formula (See Lupien Column 10 lines 5-15)

It would have been obvious to one with ordinary skill in the art at the time of invention to include the disclosure of Lupien to the invention of Garcia. The combination of the disclosures taken as a whole suggests that it would have helped the bidders make more informed decisions by considering the spread information and the price discovery provided by the combination.

With reference to claims 5 and 6, Garcia and Lupien combined teach the features cited in these claims (See also discussion of claims 1-4 above). A host computer network, remote computers including display means for displaying graphs and communication network means are inherent in these disclosures.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-

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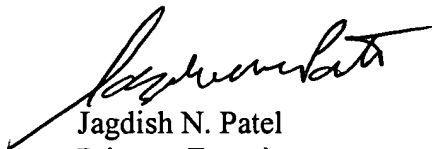
1065. The fax number for Formal or Official faxes and Draft to the Patent Office is (703)

872-9306. Any inquiry of a general nature or relating to the status of this application

should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian

September 28, 2004

 9/30/04
Jagdish N. Patel
Primary Examiner